



**Texas Juvenile Justice Department**

**Board Meeting**

11209 Metric Blvd., Building H – Lone Star Conference Room

Austin, Texas 78757

Friday, June 27, 2014 – 9:00 a.m.

**BOARD MEMBERS PRESENT:**

Scott W. Fisher, Board Chairman

The Honorable Jimmy Smith

Scott Matthew

The Honorable Laura Parker

Jane Anderson King

The Honorable John Brieden III

Melissa Weiss

The Honorable Becky Gregory

Calvin Stephens

Joseph Brown

MaryLou Mendoza

**BOARD MEMBERS ABSENT:**

Dr. Rene Olvera

The Honorable Carol Bush

**EXECUTIVE STAFF PRESENT:**

David Reilly, Interim Executive Director

Roland Luna, Chief Inspector General

Jim Hurley, Communications Manager

Elaine Mays, Chief Information & Technology Officer

James Williams, Senior Director of Probation & Community Services

Teresa Stroud, Senior Director of State Programs & Facilities

Lisa Capers, Senior Director of Administration & Training

Chelsea Buchholtz, General Counsel

Royce Myers, Human Resource Director

Jeannette Cantu, Executive Assistant

Mike Meyer, Chief Financial Officer

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**OTHER GUESTS PRESENT:**

Gaynell Doehne, TJJD  
Katrena Plummer, TJJD  
Tammy Holland, TJJD  
Stephanie Melot, TJJD  
Jim Southwell, TJJD  
Fred Meinke, TJJD  
Art Hinojosa, TJJD  
Peter Heller, TJJD  
Sandy Pippin-Gomez, Zapata Co.  
Lauren Rose, Texans Care for  
Children

Kenneth Ming, TJJD  
Denise Askea, TJJD  
Rebecca Thomas, TJJD  
John Isle, TJJD  
Kavita Gupta, TJJD  
Terry Kennedy, TJJD  
Jeannette Lepe, TJJD  
Estela Medina, Travis Co. JPD  
Susan Humphrey, Bell Co. JPD

Matthew Segura, TJJD  
Diana Goodwin, TJJD  
Luther Taliaferro  
Vanessa Burgess, TJJD  
Jerome Williams, TJJD  
Karen Kennedy, TJJD  
Camilla Cannon, TJJD  
Sheri Short, Navarro College  
Aris Johnson, Gregg Co.

### **Call to Order**

Chairman Fisher called the meeting to order at 9:04 a.m.

### **Prayer**

Chaplain Terry Kennedy opened the meeting with a prayer.

### **Pledge**

The Pledge of Allegiance was recited.

### **Discussion, consideration, and possible approval regarding excused absences**

Chairman Fisher acknowledged the absences of Judge Carol Bush and Dr. Rene Olvera. Ms. King moved to excuse the absences. The motion was seconded, as confirmed by Chairman Fisher. The motion passed.

### **Public Comments**

There were no public comments.

### **Discussion, consideration, and possible approval regarding the May 30, 2014 Board meeting minutes**

Mr. Matthew moved to approve the minutes. Commissioner Smith seconded. The motion passed.

### **Report from the Chairman**

Chairman Fisher reported the Board is continuing their search for a permanent Executive Director. The Search Subcommittee met this morning and had nothing to report. The goal is to find the right person for this job for this agency and that at the August meeting the Subcommittee hopes to have a recommendation for the full board.

### **Report from the Interim Executive Director**

David Reilly, Interim Executive Director, presented his report. TJJD's Procurement and Contracts Department attended the Historically Underutilized Businesses (HUB) Fair sponsored by Senator Royce West, who recognized the top 10 performing agencies from last year's event. TJJD received recognition for awarding the third highest total dollars to HUB vendors.

This month's written report includes several pro-social activities and events that occurred at the facilities and gives you a sense of the good things happening around the agency with the staff and youth.

Mr. Reilly reported that he and Jim Hurley, Communications Manager, have worked on an Agency Communications Plan that includes: developing a core message for the Agency; weekly or twice monthly press releases proactively documenting positive achievements; news flashes to key stakeholders; staff and legislative offices; and engaging editorial boards and developing op-ed articles that talk about the mission of the Agency.

Mr. Reilly recognized the State Programs and Facilities Division for developing the Young Offenders Programs. The program was developed in Brownwood for kids younger than 14 years old. This program will be operational in October so these youth can be moved to a less restrictive environment. Discussion ensued regarding the geographical issues of moving these young offenders away from their families, the pros and cons of moving these youth to a less restrictive program environment for as short amount of time as possible and the sensitivity of this issue in general.

#### **Report from the Advisory Council**

The Advisory Council report to the Board was postponed to the next Board meeting.

#### **Report from the Inspector General**

Roland D. Luna, Chief Inspector General, provided his report, highlighting many continued improvements on OIGs summary indicators for Investigative Analysis and Investigative Life Cycle through third quarter FY 2014. Not shown on the summary indicators found on pages 25 and 26 of your board materials, OIG also conducted 1599 detainer checks and 1758 visitation checks. In response to Chairman Fisher's request, Inspector General Luna explained OIG has partnered with the State Programs and Facilities Division to make sure contraband is not entering the facilities by conducting visitation checks. The goal being to make sure youth have access to their families but doing it in a safe way by checking criminal background checks prior to visitation.

The OIG continues to partner with the Texas Attorney General's Office and is scheduled for their quarterly meeting of the Texas Violent Gang Task Force on July 9.

**Discussion, consideration, and possible approval regarding the 2015-2019 Agency Strategic Plan (Action)**

Lisa Capers, Senior Director of Administration and Training, provided an overview of the agency's strategic priorities as outlined in the Agency Strategic Plan. She reported the Agency scored very well on the Customer Service Survey and the Survey of Employee Engagement. Staff requests the Board approve the Strategic Plan in substance and form and allow staff to continue to make non-substantive formatting changes to finalize the documents prior to final submission.

In response to a question by Ms. Mendoza regarding Positive Behavior Interventions and Support (PBIS), Amy Lopez, Senior Director of Education, confirmed that although PBIS is now being rolled out campus wide, it has been in our schools since 2009. The 2012 PBIS report data shows that incidents have decreased dramatically since the implementation of PBIS.

Ms. Mendoza moved to approve the Agency Strategic Plan as to substance and form and to authorize staff to make any necessary non-substantive or corrective changes that may be necessary prior to submission. Ms. King seconded. The motion passed.

Chairman Fisher requested a final draft be posted to the Board Portal and that Jeannette Cantu notify Board Members when it's posted allowing final comments directed to Lisa Capers prior to submission.

**Report from the Trust Committee**

Commissioner Smith, Chairman of the Trust Committee, reported there was no public comment at the committee meeting and only one item was discussed that will be heard before the full board for action regarding insurance covering board members.

**Discussion, consideration, and possible action on directors and officers insurance policy covering board members in their capacity as trustees of the Parrie Haynes and Wende Trusts (Action)**

Chairman Fisher provided a brief overview regarding the trusts that belong to the state and the arguments on both sides regarding the role of the board members as it relates to the estate. Vanessa Burgess, Staff Attorney, was present to answer questions on this item. Chairman Fisher further explained the Trust Committee has recommended this Board obtain directors and officer's insurance coverage and directed staff to begin looking into policy coverage options. Staff has obtained to policy options that vary in terms of coverage, specifically with regard to defense limits and punitive damages. Policy one does not include punitive damage coverage and is \$1,000,000 damage and defense limit, the premium is \$5,492 annually. Policy two does cover punitive damage and has up to a \$2,000,000 damage defense limit; the premium is \$8,707.53 annually. The premium expense would be split between the Parrie Haynes and Wende Trusts. The recommendation of the Trust Committee is to adopt the second policy. Discussion ensued regarding the option of obtaining an Attorney General's opinion on whether they would provide legal defense for board members.

Mr. Matthew moved that the Trustees grant delegation of authority to the Interim Executive Director to purchase the policy offered by the Miller Agency with a two million dollar defense and damage limit for an annual premium not to exceed \$8,800 with coverage effective as soon as possible and to expend trust funds to do so. Commissioner Smith seconded. The motion passed.

**Discussion, consideration, and possible approval of the delegation of authority to the interim executive director to transfer certain real property not currently utilized by TJJD (Action)**

Chairman Fisher reported there was a legislative mandate back in the 1970's to transfer the Gatesville property to the Texas Department of Criminal Justice (TDCJ). However, TDCJ notified us the property was never formally transferred, therefore we are being asked by TDCJ to complete the transfer. Ms. Burgess reported this is being done with the recommendation of Senior Counsel at the General Land Office.

Ms. Weiss moved to approve the transfer. Commissioner Smith seconded. The motion passed.

**Report from the Finance and Audit Committee**

Mr. Stephens, Chairman of the Finance and Audit Committee, reported the Committee met yesterday and reviewed agenda items in detail that are also going to be presented before the Board today.

**Report and discussion on exceptional item development for the 2016-2017 Legislative Appropriations Request**

Chairman Fisher emphasized that this is a draft list and has gone through an executive process to get to this draft number.

Mike Meyer, Chief Financial Officer, briefly explained the ongoing processes involving senior directors to develop the current draft exceptional item list. The list was presented to the Finance and Audit Committee and as a result of that discussion additional adjustments were made at the request of the Committee. An updated packet with those changes has been provided to you this morning. Discussion ensued regarding detail of the development process, exceptional items, amounts and priority.

Chairman Fisher was encouraged with the development of the ongoing process and is looking forward to continued updates to complete the Agency's LAR as they become available.

Chairman Fisher called for a 15 minute recess.

**Discussion, consideration, and possible approval regarding contract items requiring Board approval: amounts exceeding \$500,000.00, material change, and/or other matters deemed appropriate for Board review and action (Action)**

Kenneth Ming, Director of Business Operations and Contracts, requested approval to authorize the Interim Executive Director to enter the following planned residential service contract renewals for FY 2015:

• Associated Marine Institute Kids (AMIKids)	\$1,009,225
• Byrd's Foster Group Home	\$375,950
• Gulf Coast Trades Center	\$436,175
• National Mentor Healthcare, dba Texas Mentor	\$174,817
• Rite of Passage	\$345,144
• Specialized Alternatives for Families and Youth	\$200,750

Ms. King moved to approve the resolution. Judge Parker seconded. The motion passed.

**Report from the Programs Committee**

Scott Matthew chaired the Programs Committee in the absence of Dr. Olvera, Chairman of the Programs Committee. Mr. Matthew briefly discussed each of the items presented at the Programs Committee: Overview of pharmacy utilization; state facilities performance tracking; alcohol and other drug programs; and Positive Behavior Interventions and Support (PBIS) and Capturing Kids' Hearts.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§380.8701 – 380.8707 and §§380.8751 – 380.8795, relating to Treatment, in the Texas Register for a 30-day public comment period (Action)**

Teresa Stroud, Senior Director of State Program and Facilities, presented in detail proposed rule revisions (additions, clarifications and deletions) to 37 TAC §§380.8701 – 380.8707 and §§380.8751 – 380.8795 for 30 day public comment. Discussion included the repeal of 380.8763 and 380.8795 because they are already addressed in other rules. Mr. Brown raised a question regarding 380.8787 and removal of the option for TJJD to override the risk level indicated by the assessment instrument. After further discussion, it was decided rule 380.8787 would be removed from the proposed revisions for further review by staff.

Ms. Mendoza moved to approve the proposed revisions as noted. Mr. Brown seconded. The motion passed.

Chairman Fisher stated rule 380.8787 would be heard for consideration at the August meeting.

**Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §380.9707, relating to Custody and Supervision Rating, in the *Texas Register* for a 30-day public comment period (Action)**

Ms. Stroud presented proposed rule revisions (additions and clarifications) to 37 TAC §380.9707 for 30 day public comment. There was no discussion.

Ms. Weiss moved to approve the proposed revisions as noted. Mr. Matthew seconded. The motion passed.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.8715, relating to Title IV-E Foster Care Youth, and §380.8733, relating to Surveillance and Supervision Levels in Parole Home Placement, in the *Texas Register* for a 30-day public comment period (Action)**

James Williams, Senior Director for Probation and Community Services, presented proposed rule revisions to 37 TAC §380.8715 and §380.8733 for 30 day public comment. There was no discussion.

Mr. Brown moved to approve the proposed revisions as noted. Ms. Weiss seconded. The motion passed.

**Adjourn**

The meeting was adjourned at 11:11 a.m.